

**Notice of Allowability**

**Application No.**

09/932,545

**Examiner**

Ryan A. Jarrett

**Applicant(s)**

PHELPS ET AL.

**Art Unit**

2125

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/1/05.
2. ☒ The allowed claim(s) is/are 2-28.
3. ☒ The drawings filed on 17 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The amendment was necessary to avoid a rejection under 35 U.S.C. 101.

Authorization for this examiner's amendment was given in a telephone interview with Robert J. Wolff on 8/16/05.

2. The application has been amended as follows:

In claim 2 line 1, "method" was replaced with --computer-implemented method--.

In claim 3 line 1, "method" was replaced with --computer-implemented method--.

In claim 4 line 1, "method" was replaced with --computer-implemented method--.

In claim 5 line 1, "method" was replaced with --computer-implemented method--.

In claim 6 line 1, "method" was replaced with --computer-implemented method--.

In claim 7 line 1, "method" was replaced with --computer-implemented method--.

In claim 8 line 1, "method" was replaced with --computer-implemented method--.

In claim 9 line 1, "method" was replaced with --computer-implemented method--.

In claim 10 line 1, "method" was replaced with --computer-implemented method--.

In claim 11 line 1, "method" was replaced with --computer-implemented method--.

In claim 12 line 1, "method" was replaced with --computer-implemented method--.

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In claim 13 line 1, "method" was replaced with --computer-implemented method--.

In claim 14 line 1, "method" was replaced with --computer-implemented method--.

In claim 15 line 1, "method" was replaced with --computer-implemented method--.

In claim 16 line 1, "method" was replaced with --computer-implemented method--.

In claim 17 line 1, "method" was replaced with --computer-implemented method--.

In claim 18 line 1, "method" was replaced with --computer-implemented method--.

In claim 19 line 1, "method" was replaced with --computer-implemented method--.

In claim 20 line 1, "method" was replaced with --computer-implemented method--.

In claim 21 line 1, "method" was replaced with --computer-implemented method--.

In claim 23 line 1, "method" was replaced with --computer-implemented method--.

In claim 24 line 1, "method" was replaced with --computer-implemented method--.

In claim 25 line 1, "method" was replaced with --computer-implemented method--.

In claim 26 line 1, "method" was replaced with --computer-implemented method--.

In claim 27 line 1, "method" was replaced with --computer-implemented method--.

In claim 28 line 1, "method" was replaced with --computer-implemented method--.

***Allowable Subject Matter***

3. Claims 2-28 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest the holistic methods described in Applicant's independent claims.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett  
Examiner  
Art Unit 2125

8/17/05  
RAJ

  
ALBERT W. PALADINI  
PRIMARY EXAMINER